

TRUMP SET TO TILT COURT AS KENNEDY RETIRES

Ruling on Collective Bargaining Fees Hurts Unions

By ADAM LIPTAK

WASHINGTON — The Supreme Court dealt a major blow on Wednesday to organized labor. By a 5-to-4 vote, with the more conservative justices in the majority, the court ruled that government workers who choose not to join unions may not be required to help pay for collective bargaining.

Forcing those workers to finance union activity violated the First Amendment, Justice Samuel A. Alito Jr. wrote for the majority. “We conclude that this arrangement violates the free speech rights of nonmembers by compelling them to subsidize private speech on matters of substantial public concern,” he wrote.

The ruling means that public-sector unions across the nation, already under political pressure, could lose tens of millions of dollars and see their effectiveness diminished.

“We recognize that the loss of payments from nonmembers may cause unions to experience unpleasant transition costs in the short term, and may require unions to make adjustments in order to attract and retain members,” Justice Alito wrote. “But we must weigh these disadvantages against the considerable windfall that unions have received” over the years.

Chief Justice John G. Roberts Jr. and Justices Anthony M. Kennedy, Clarence Thomas and Neil M. Gorsuch joined the majority opinion, which overruled a four-decade-old precedent.

Justice Elena Kagan summarized her dissent from the bench, a sign of profound disagreement.

“There is no sugarcoating today’s opinion,” she wrote. “The majority overthrows a decision entrenched in this nation’s law — and in its economic life — for over 40 years.”

“As a result,” she wrote, “it prevents the American people, acting through their state and local officials, from making important choices about workplace governance. And it does so by weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy.”

Justices Ruth Bader Ginsburg, Stephen G. Breyer and Sonia Sotomayor joined the dissent.

The majority based its ruling on the First Amendment, saying that requiring payments to unions that negotiate with the government forces workers to endorse poli-

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ERIC THAYER/GETTY IMAGES

The president praised Anthony M. Kennedy’s “tremendous vision and tremendous heart.”

NEWS ANALYSIS

An Exit That May Echo for Generations

By CHARLIE SAVAGE

WASHINGTON — President Trump’s time in office has been tumultuous, his term dogged by the special counsel investigation, his major legislative achievements few and his political prospects clouded by the chances of a Democratic Party midterm wave.

But no matter what else happens in the Trump presidency, the retirement of Justice Anthony M. Kennedy, the Supreme Court’s swing voter, set up Mr. Trump to cement a lasting legacy. Given a second Supreme Court vacancy to fill, he appears likely to go down in American history as an unusually influential president.

As the first Republican president to get his judicial nominees confirmed by a simple majority

Vacancy Hands Trump Chance to Cement a Conservative Edge

vote, thanks to the abolition of the Senate filibuster rule, Mr. Trump has already broken records in appointing young and highly conservative appellate judges. Now, Mr. Trump can create a new majority bloc on the Supreme Court — one that is far more consistently conservative, and one that can impose its influence over American life long after his presidency ends on issues as diverse as the environment and labor or abortion and civil rights.

If Mr. Trump secures that prospect, he will fulfill the deal

that he struck during the 2016 campaign with traditional and movement conservatives who were skeptical of his politics and hesitant about supporting his candidacy. They feared he would pick an idiosyncratic nominee, like a celebrity lawyer he saw on television, rather than an authentic conservative.

But Mr. Trump shored up Republican turnout in the election by promising to select Supreme Court nominations from a list of conservative judges. It was shaped by his top legal adviser, Donald F. McGahn II, now the White House counsel, who worked with advisers like Leonard Leo, the executive director of the Federalist Society, the conservative legal movement network. Court-focused voters helped deliver Mr. Trump’s narrow victory over Hillary Clinton,

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A Political Clash Is Expected After a Crucial Swing Vote Departs

By MICHAEL D. SHEAR

WASHINGTON — Justice Anthony M. Kennedy announced on Wednesday that he would retire this summer, setting in motion a furious fight over the future of the Supreme Court and giving President Trump the chance to put a conservative stamp on the American legal system for generations.

Justice Kennedy, 81, has been a critical swing vote on the sharply polarized court for nearly three decades as he embraced liberal views on gay rights, abortion and the death penalty but helped conservatives trim voting rights, block gun control measures and unleash campaign spending by corporations.

His replacement by a conservative justice — something Mr. Trump has vowed to his supporters — could imperil a variety of landmark Supreme Court precedents on social issues where Justice Kennedy frequently sided with his liberal colleagues, particularly on abortion.

Mr. Trump and his Republican allies have hoped for months that Justice Kennedy might retire, clearing a way for a new, more conservative jurist before Democrats had an opportunity to capture the Senate and block future Republican nominees. In contrast to his frequent criticisms of Chief Justice John G. Roberts Jr., a gen-

erally reliable conservative, Mr. Trump has frequently heaped praise on Justice Kennedy and even has suggested that he might nominate one of his former clerks to the bench — subtle nudges the president hoped would make Justice Kennedy more comfortable with the idea of stepping down.

Justice Kennedy’s departure could leave Chief Justice Roberts, who was appointed by George W. Bush, as the decisive vote on a court whose other justices may soon include four committed liberals and four equally committed conservatives.

The court’s term that just ended offered a preview of what such a lineup might mean: With Justice Kennedy mostly siding with conservatives this year, the court endorsed Mr. Trump’s power over immigration, dealt a blow to labor unions and backed a Republican purge of voter rolls in Ohio.

Justice Kennedy hand-delivered a short letter of resignation to Mr. Trump on Wednesday afternoon, shortly after a half-hour meeting at the White House, where the president called him a jurist with “tremendous vision and tremendous heart.”

“Please permit me by this letter to express my profound gratitude for having had the privilege to

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This Was the Kennedy Court, In His Influence if Not in Title

By ADAM LIPTAK

WASHINGTON — Justice Anthony M. Kennedy has served for more than 30 years under two chief justices: William H. Rehnquist and John G. Roberts Jr. Courts are by tradition named for the chief justice. Since 2005, it has been the Roberts court.

But if influence were the deciding factor, it would be more accurate to speak of the period since 1988 as the Kennedy court.

Justice Kennedy has occupied a place at the court’s ideological center for his entire tenure, though he shared the middle ground with Justice Sandra Day O’Connor for most of his first two decades. On her retirement in 2006, his vote became the undisputed crucial one in most of the court’s closely divided cases.

There have been about 51 deci-

sions in which Justice Kennedy joined a liberal majority in a closely divided case, while Chief Justice Roberts dissented. All of those precedents could be in jeopardy, said Lee Epstein, a law professor and political scientist at Washington University in St. Louis.

To be sure, Justice Kennedy often voted with the court’s conservatives. He wrote the majority opinion in Citizens United, which allowed unlimited campaign spending by corporations and unions, and he joined the majority in Bush v. Gore, which handed the 2000 presidential election to George W. Bush. Justice Kennedy also voted with the court’s conservatives in cases on the Second Amendment and voting rights.

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MAURICIO LIMA FOR THE NEW YORK TIMES

A Budapest train station that was crowded by migrants in 2015, left, is quieter now. But Hungary’s leader has criticized an “invasion.”



AKOS STILLER FOR THE NEW YORK TIMES

Migration to Europe Is Plunging. The Far Right Still Sees a Crisis.

By PATRICK KINGSLEY

LAMPEDUSA, Italy — On the beaches of Greece, thousands of migrants landed every day. In the ports of Italy, thousands landed every week. Across the borders of Germany, Austria and Hungary, hundreds of thousands passed every month.

But that was in 2015.

Three years after the peak of Europe’s migration crisis, Greek beaches are comparatively calm. Since last August, the ports of Sicily have been fairly empty. And here on the remote island of Lampedusa — the southernmost point of Italy and once the front line of the crisis — the migrant detention center has been silent for

long stretches. Visitors to the camp on Monday could hear only the sound of bird song.

“It’s the quietest it’s been since 2011,” said the island’s mayor, Salvatore Martello. “The number of arrivals has dramatically reduced.”

It is the paradox of Europe’s migration crisis: The actual number of arriving migrants is back to its

pre-2015 level, even as the politics of migration continue to shake the Continent. On Thursday, leaders of the European Union are gathering in Brussels for a fraught meeting on migration that could hasten the political demise of the German chancellor, Angela Merkel, and unravel the bloc’s efforts to form a coherent migration policy.

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An Instant Political Superstar Is Born in a New York Primary

This article is by Andy Newman, Vivian Wang and Luis Ferré-Sadurní.

At the Parkchester apartments in the Bronx, neighbors heard the news from a maintenance worker: The woman down the hall had just won a primary and was probably headed for Congress. At a popular restaurant in Union Square in Manhattan, workers struggled to comprehend that the young politician whose face was all over TV really was the same woman who had tended bar until a few months ago.

And on the streets of Midtown Manhattan Wednesday morning, the candidate herself was trying to make sense of it all. Alexandria Ocasio-Cortez stood outside Rockefeller Center after appearing on MSNBC’s “Morning Joe,” juggling phone calls and live TV interviews and the well-wishes of doormen and office workers on their coffee breaks.

“I’m used to people kind of



ANNIE TRITT FOR THE NEW YORK TIMES

Alexandria Ocasio-Cortez riding to meet with reporters.

knowing me in the community,” said Ms. Ocasio-Cortez, 28. But to have a stream of random people walk up and ask to take a selfie with her? “Insane.”

Ms. Ocasio-Cortez, whose résumé up to now included waitress, children’s-book publisher, community activist, member of the Democratic Socialists of America

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Reconsidering the Accomplice
Getaway drivers and lookouts can be held as liable in deaths as the killers. California may join some other states that have stopped doing so. PAGE A13

Not in Kansas Anymore
A fugitive flamingo from Wichita is spied years later in Texas. A fine feathered friend hasn’t been found. PAGE A13

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The Bronx Mourns a Teenager
Hundreds gathered for the funeral of Lesandro Guzman-Feliz, whose fatal stabbing was caught on video. PAGE A23



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Trump and Putin Agree to Meet
The Russian leader, left, met with John R. Bolton, the American national security adviser, to iron out details. PAGE A10

Intense Hunt for Lost Thai Boys
As a search for soccer players in a cave reached its fifth day, a governor vowed, “We won’t abandon them.” PAGE A4

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Joe Jackson, the iron-fisted force behind the Jackson 5 and the solo careers of Michael and Janet, was 89. PAGE B18

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The bid for Fox’s entertainment assets requires Disney to divest 22 regional sports networks. PAGE B1

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A Lindsay Lohan Club
At a Greek resort bearing her name, she says goodbye to the past. PAGE D1



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Germany Exits World Cup
South Korea stunned Germany and its fans with a 2-0 victory that knocked out the defending champion. PAGE B9

Mexico Loses, but All Isn’t Lost
Despite a 3-0 defeat to Sweden, Mexico advanced at the World Cup when Germany was eliminated. PAGE B9

SPECIAL SECTION

DealBook
Blockchain, a relatively new kind of database, has become the trendy solution for storing digital information more securely. But the technology can be very confusing. We help demystify it and show you its potential. (And we’ll teach you some cryptoslang!)

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Karen Korematsu PAGE A27



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